UNITED
NATIONS

AT

Administrative Tribunal

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25 November 1997

ORIGINAL: ENGLISH

ADMINISTRATIVE TRIBUNAL

Judgement No. 845

Case No. 861: KNOWLES

Against: The Secretary-General
of the United Nations

THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS,

Composed of Mr. Hubert Thierry, President; Mr. Mayer Gabay; Mr. Julio Barboza;

Whereas, on 22 April 1997, Raymond R. Knowles, a former staff member of the United Nations, filed an application in which he requested, in accordance with article 12 (now article 11) of the Statute of the Tribunal, the revision of Judgement No. 784, rendered by the Tribunal on 21 November 1996 "... on the grounds of discovery of a document the relevancy of which was unknown to the Applicant at the time that his application was submitted to the Tribunal. ..." and

"...

14. ... compensation for the damage done to the Applicant's reputation and career due to the false statements made by [the Director, Natural Resources and Energy Division[NRED]/ Department of Technical Cooperation for Development (DTCD)] to both DTCD management and to the ASG/OHRM [Assistant Secretary-General/Office of Human Resources Management]."

Whereas the Respondent filed his answer on 16 May 1997;

Whereas the Applicant filed written observations on 18 July 1997;

Whereas the facts in the case have been set forth in Judgement No. 784.

Whereas the Applicant's principal contention is:

The Tribunal should revise its judgement "on the grounds of discovery of a document the relevancy of which was unknown to the Applicant at the time that his application was submitted to the Tribunal."

Whereas the Respondent's principal contention is:

This application for revision fails to introduce any fact of a decisive nature which was unknown to the Tribunal and also to the Applicant at the time of the Judgement; therefore, Judgement No. 784 does not qualify for revision under Article 11 of the Tribunal's Statute.

The Tribunal, having deliberated from 7 to 25 November 1997, now pronounces the following judgement:

I. The Tribunal recalls that article 11 of its Statute reads, in relevant part, as follows:

> "The Secretary-General or the applicant may apply to the Tribunal for a revision of a judgement on the basis of the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgement was given, unknown to the Tribunal and also to the party claiming revision, always provided that such ignorance was not due to negligence. The application must be made within thirty days of the discovery of the fact and within one year of the date of the judgement ..."

The Tribunal underlines that the fact on which the request for revision is based must have been "when the judgement was given, unknown to the Tribunal and also to the party claiming revision".

The Applicant introduces an allegedly newly discovered document "the relevancy of which was unknown to the Applicant at the time his application was submitted to the Tribunal". The document is a memorandum from the Applicant to the Director of the Department of Technical Cooperation for Development on "Clarification of my contribution to the publication of the Natural Resources Forum" in which he described the functions he was fulfilling.

II. The Tribunal notes that the document presented by the Applicant as the "new fact" cannot have been unknown to him when the judgement was given, as he was himself the author of this document. Accordingly, the Tribunal finds that the document does not meet the criteria necessary to fulfil the requirements for revision required by article 11 of the Tribunal's Statute. Thus, revision of Judgement No. 784 is not warranted.

III. For the foregoing reasons, the Tribunal rejects the application in its entirety.

(Signatures)

Hubert THIERRY
President

Mayer GABAY
Member

Julio BARBOZA
Member

New York, 25 November 1997

R. Maria VICIEN-MILBURN
Executive Secretary